

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

<http://www.Kansas.gov/ksbtp/>

(785) 296-3053

Suite 507, Landon State Office Building 900 S.W. Jackson Street Topeka, KS 66612-1257

TO: Applicant for Certificate of Authorization For Corporation
to Practice a Technical Profession

FROM: Betty Rose, Executive Director

Please refer to the Instruction page (Page 2 of 6) to assist you in completing this application that may be used by a domestic (Kansas) or a foreign (out-of-state) corporation. A separate application must be completed for each Technical Profession practiced by your corporation. You may copy this application form as needed for additional professions.

When all the required data has been received, per these instructions, your application will be processed. Failure to include the required fee or any information requested by the Board will delay the processing.

A certificate will be forwarded to you subsequent to approval of your application. Authority to practice will be granted on the date of approval.

The biennial renewal date for certificates will be December 31, of even-number years. You should receive a notice of renewal by November 30 of even-number years. The biennial renewal fee will be \$110 in 2006.

If you have any further questions, please contact Pat Johnson at (785) 296-4800.

INSTRUCTIONS TO COMPLETE THE CERTIFICATE OF AUTHORIZATION APPLICATION

This application should be typewritten, signed, sealed, notarized, and submitted to the board office along with the following:

1. \$170 fee
2. Domestic (Kansas) corporations only: Copy of articles of incorporation
3. Foreign (out-of-state) corporations only:
 - a. Copy of articles of incorporation from home state
 - b. Copy of filed foreign corporation application from the Kansas Secretary of State's office if qualified pursuant to K.S.A. 17-7303.

Note: This application to do business is in addition to the application you are filing with the Kansas State Board of Technical Professions' Certificate of Authorization application. See K.S.A. 17-7303 to determine if activities of your corporation **do not** constitute doing business in Kansas, you may need consult with legal council or other professional. You may search for the statute at www.kslegislature.org. If the corporation is exempt from filing with Secretary of State please state this in a letter to be sent with your Board of Technical Professions' Certificate of Authorization application.

To obtain an application for a foreign corporation to do business in the state of Kansas please contact the Secretary of State's office, www.kssos.org or (785) 296-4564.

4. Instructions for Affidavit of Responsibility:
 - a. One corporate officer listed in section "D" of the corporate application form must accept responsibility for the decisions and activities of the profession for which the corporation seeks authority to practice. The corporate officer must be licensed in Kansas to practice the same technical profession as the corporation is seeking authority to practice. If the corporate officer is in the process of being licensed, wait to send the corporate application in until the corporate officer is licensed and purchased a seal.

NOTE: APPLICATION FEES ARE NON-REFUNDABLE. Pending application files may be retained for a period of one year, after which time a new application and fee must be submitted.

File Number	Amount Received	Date	Certificate Number
OFFICE USE ONLY			

**KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
900 SW JACKSON STREET, SUITE 507
TOPEKA, KS 66612-1257**

APPLICATION FOR CERTIFICATE OF AUTHORIZATION FOR CORPORATION

APPLICATION FEE - \$170.00

(NOTE: A SEPARATE APPLICATION MUST BE MADE FOR EACH PROFESSION.)

A. APPLICATION FOR CERTIFICATE OF AUTHORIZATION FOR THE PRACTICE OF (MARK ONLY ONE):

_____Professional Engineers; _____Architects; _____Landscape Architects;

_____Land Surveyors; or _____Geologists

B. NAME OF CORPORATION _____

Home Office _____
(Street) (City) (State) (Zip)

MailingAddress _____
(Street) (City) (State) (Zip)

Telephone Number (_____) _____ (8:00-4:30)

C. OTHER OFFICES: Attach a sheet listing the complete mailing address and telephone number of all other offices of the corporation listed in "B".

D. CORPORATE OFFICERS: List the names, titles, addresses, Kansas Registration numbers and percentage of ownership (if any) in the corporation of **all Corporate Officers and Members of the Board of Directors of the corporation.**

Name and Title Of Corporate Office	Address Number	KS Registration (If any)	% of Ownership
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**NOTE: APPLICATION FEES ARE NON-REFUNDABLE. IT IS YOUR RESPONSIBILITY TO KEEP
A COPY OF THIS APPLICATION FOR YOUR RECORDS.**

- E. **RESPONSIBLE OFFICER:** List the name, title, address, individual Kansas registration number, and percentage of ownership (if any) in the corporation of the corporate officer listed in Section D who will be responsible for the _____ (type profession) decisions and activities for the Corporation in Kansas. The individual listed in this section must sign the Affidavit of Responsibility on page 3.

In accordance with K.S.A. 74-7036(a), the corporate officer must be a regular employee and an active participant in the corporation.

Name and Title Of Corporate Office	KS Registration Address	Number(If any)	% of Ownership
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Is the above-named individual a permanent, full-time employee of the corporation? YES _____ NO _____

*If no, please attach an explanation of the extent of the individual's involvement and responsibilities in the corporation.

- F. **OTHER PROFESSIONALS LICENSED IN KANSAS:** List the names, titles, addresses, and Kansas registration numbers of all employees who will act as _____ Professional Engineers; _____ Architects; _____ Landscape Architects, or _____ Land Surveyors; _____ Geologists (mark only one) in Kansas on behalf of the Corporation.

Name & Title	Address	Kansas Registration Number
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- G. **ORIGINAL INCORPORATION:** Date _____ State _____

PLEASE ATTACH A COPY OF THE CORPORATION'S ARTICLES OF INCORPORATION.

H. AFFIDAVIT OF RESPONSIBILITY

KANSAS REGISTERED CORPORATE OFFICER

RESPONSIBLE FOR THE PRACTICE OF _____

(Type of Profession)

THROUGH A CORPORATION

STATE OF _____,

COUNTY OF _____,

I, _____, the undersigned affiant, on my oath first being duly sworn, state that I am a registered _____,

License Number _____, by the Kansas State Board of Technical Professions, that I am an officer of _____.

(Name of Corporation)

Pursuant to the statutes, I am the responsible officer for the licensing of the corporation to practice

_____ in Kansas. I am a regular employee and participant in the applicant's
(type of profession)

corporation.



Signature and Date

Subscribed and sworn before me this _____ day of _____, _____.

My commission expires _____.

SEAL

Notary Public

I. AFFIDAVIT

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and say:

I have been authorized by _____
(Name of Corporation)

to prepare this application for a Certificate of Authorization for the Corporation. The charter of

_____ authorizes the corporation to provide
(Name of Corporation)

_____ services for others. I have read the
(insert profession from question A)

contents of this application and to the best of my knowledge and belief the statements contained herein are true in substance and effect and are made in good faith.

Name of Corporation

Signature of Agent

CORPORATE SEAL
(if available)

Subscribed and sworn before me this _____ day of _____, _____. My commission expires _____.

SEAL

Notary Public

74-7001. Technical professions; unlawful practice; representation and use of title. (a)

Except as otherwise provided in this act, **it shall be unlawful for any person to practice or to offer to practice in the state of Kansas**, any profession included within the term technical professions, as such term is defined in the provisions of this act, unless such person has been duly licensed to practice such profession under this act or **holds a certificate of authorization issued under K.S.A. 74-7036.**

(b) Any person practicing any technical profession in this state, or calling or representing such person as a licensed practitioner of such technical profession, or using the title of a licensed practitioner of such technical profession shall be required to submit evidence that such person is qualified to practice such technical profession and is duly licensed under this act or holds a certificate of authorization issued under K.S.A. 74-7036.

History: L. 1976, ch. 334, sec. 1; L. 1978, ch. 326, sec. 1; L. 1980, ch. 244, sec. 2; July 1.

74-7003. Definitions. As used in this act:

(a) “Technical professions” includes the professions of engineering, land surveying, architecture, landscape architecture and geology as the practice of such professions are defined in this act.

(b) “Board” means the state board of technical professions.

(c) “License” means a license to practice the technical professions granted under this act.

(d) “Architect” means a person whose practice consists of:

(1) Rendering services or performing creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, providing preliminary studies and designs, overall interior and exterior building design, the preparation of drawings, specifications and related documents, all in connection with the construction or erection of any private or public building, building project or integral part or parts of buildings or of any additions or alterations thereto, or other services and instruments of services related to architecture;

(2) representation in connection with contracts entered into between clients and others; and

(3) observing the construction, alteration and erection of buildings.

(e) “Practice of architecture” means the rendering of or offering to render certain services, as described in subsection (d), in connection with the design and construction or alterations and additions of a building or buildings; the design and construction of items relating to building code requirements, as they pertain to architecture, and other building related features affecting the public’s health, safety and welfare; the preparation and certification of any architectural design features that are required on plats; and the teaching of architecture by a licensed architect in a college or university offering an approved architecture curriculum of four years or more.

(f) “Landscape architect” means a person who is professionally qualified as provided in this act to engage in the practice of landscape architecture, who practices landscape architecture and who is licensed by the board.

(g) “Practice of landscape architecture” means the performing of professional services such as consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement; the designing of land forms and

nonhabitable structures for aesthetic and functional purposes such as pools, walls and structures for outdoor living spaces for public and private use; the preparation and certification of any landscape architectural design features that are required on plats; and the teaching of landscape

architecture by a licensed landscape architect in a college or university offering an approved landscape architecture curriculum of four years or more. It encompasses the determination of proper land use as it pertains to: Natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; soil conservation erosion control; drainage and grading; and the development of outdoor space in accordance with ideals of human use and enjoyment.

(h) “Professional engineer” means a person who is qualified to practice engineering by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, who is qualified as provided in this act to engage in the practice of engineering and who is licensed by the board.

(i) “Practice of engineering” means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, the teaching of engineering by a licensed professional engineer in a college or university offering an approved engineering curriculum of four years or more, engineering surveys and studies, the observation of construction for the purpose of assuring compliance with drawings and specifications, representation in connection with contracts entered into between clients and others and the preparation and certification of any engineering design features that are required on plats; any of which embraces such service or work, either public or private, for any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property. As used in this subsection, “engineering surveys” includes all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system.

(j) “Land surveyor” means any person who is engaged in the practice of land surveying as provided in this act and who is licensed by the board.

(k) “Practice of land surveying” includes:

(1) The performance of any professional service, the adequate performance of which involves the application of special knowledge and experience in the principles of mathematics, the related physical and applied sciences, the relevant requirements of law and the methods of surveying measurements in measuring and locating of lines, angles, elevation of natural and man-made features in the air, on the surface of the earth, within underground workings and on the bed of bodies of water for the purpose of determining areas, volumes and monumentation of property boundaries;

(2) the preparation of plats of land and subdivisions thereof, including the topography, rights-

of-way, easements and any other boundaries that affect rights to or interests in land, but excluding features requiring engineering or architectural design;

(3) the preparation of the original descriptions of real property for the conveyance of or recording thereof and the preparation of maps, plats and field note records that represent these

surveys;

(4) the reestablishing of missing government section corners in accordance with government surveys; and

(5) the teaching of land surveying by a licensed land surveyor in a college or university offering an approved land surveying curriculum of four years or more.

(l) "Person" means a natural person, firm, corporation or partnership.

(m) "Plat" means a diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land as determined by survey or protraction. A plat should show all data required for a complete and accurate description of the land which it delineates, including the bearings (or azimuths) and lengths of the boundaries of each subdivision.

(n) "Geologist" means a person who is qualified to engage in the practice of geology by reason of knowledge of geology, mathematics and the supporting physical and life sciences, acquired by education and practical experience, who is qualified as provided in this act to engage in the practice of geology and who is licensed by the board.

(o) "Practice of geology" means:

(1) The performing of professional services such as consultation, investigation, evaluation, planning or mapping, or inspection, or the responsible supervision thereof, in connection with the treatment of the earth and its origin and history, in general; the investigation of the earth's constituent rocks, minerals, solids, fluids including surface and underground waters, gases and other materials; and the study of the natural agents, forces and processes which cause changes in the earth;

(2) the teaching of geology by a licensed professional geologist in a college or university offering an approved geology curriculum of four years or more by a person who meets the qualifications for education and experience prescribed by section 5 and amendments thereto; or

(3) representation in connection with contracts entered into between clients and others and the preparation and certification of geological information in reports and on maps insofar as it involves safeguarding life, health or property.

History: L. 1976, ch. 334, sec. 2; L. 1978, ch. 326, sec. 2; L. 1992, ch. 240, sec. 3; Jan. 1, 1993; L. 1995, ch. 104, sec. 3; L. 1997, ch. 128, sec. 5, July 1.

74-7036. Corporate practice of technical professions; conditions; application for certificate of authorization, contents; application fee; biennial information; corporate changes of officer as board member, reporting; services corporation authorized to provide; application of section.

(a) The practice of or offer to practice a technical profession by an individual licensed to practice the technical professions through a corporation as an officer, employee or agent of such corporation is authorized as provided under this section if:

(1) One or more of the corporate officers of such corporation is designated as responsible for the activities and decisions relating to the practice of such technical profession and is licensed

to practice such technical profession by the state board of technical professions and is a regular employee of and active participant in the corporation;

(2) all personnel of such corporation who act in its behalf in the practice of such technical profession are licensed to practice such technical profession by the state board of technical professions or are persons lawfully practicing under K.S.A. 74-7031 through 74-7035, and

amendments thereto, or are exempt from examination for licensure in this state under K.S.A. 74-7024 and amendments thereto; and

(3) such corporation has been issued a certificate of authorization by the state board of technical professions.

(b) A corporation may apply to the state board of technical professions for a certificate of authorization, upon a form prescribed and furnished by the board, listing the names and addresses of all officers and members of the board of the corporation and also of an individual or individuals licensed to practice a branch of the technical professions who will be responsible for the practice of such branch of the technical professions in this state through such corporation, and such other information as may be required by the state board of technical professions. The application for a certificate of authorization shall be accompanied by an application fee fixed by the board under K.S.A. 74-7009 and amendments thereto. The biennial renewal fee fixed by the board under K.S.A. 74-7009 and amendments thereto shall be accompanied by the same form providing current information. In the event of a change of any officer of such corporation or a change of any member of the board, such change shall be designated on such form and filed with the board within 30 days after the effective date of such change.

(c) If the state board of technical professions finds that such corporation is in compliance with all of the requirements of this section, the board shall issue a certificate of authorization to such corporation designating the branch or branches of the technical professions for which such corporation is authorized to provide services. A corporation to which a certificate of authorization has been issued is hereby authorized to provide services in the branch or branches of the technical professions for which such corporation is authorized to provide services under such certificate of authorization.

(d) No corporation issued a certificate of authorization under this section shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing a branch of the technical professions be relieved of responsibility and liability for services performed by reason of employment or relationship with such corporation. The requirements of this section shall not affect a corporation and its employees in performing services included within the term "technical professions" solely for the benefit of such corporation or subsidiary or affiliated corporations. Nothing in this section shall exempt any corporation from the provisions of any other law applicable thereto.

History: L. 1980, ch. 244, sec. 1; L. 1992, ch. 240, sec. 25; Jan. 1, 1993.

17-7303. Same; doing business in Kansas; classification of activities. (a) Activities of a foreign corporation which do not constitute doing business within the meaning of K.S.A. 17-7301, and amendments thereto, include:

- (1) Maintaining, defending or settling an action or proceeding;
- (2) holding meetings or carrying on any other activity concerning its internal affairs;

- (3) maintaining bank accounts;
 - (4) maintaining offices or agencies for the transfer, exchange and registration of the corporation's own securities or maintaining trustees or depositories with respect to those securities;
 - (5) selling through independent contractors;
 - (6) soliciting or obtaining orders, whether by mail or electronic commerce or through employees or agents or otherwise, if the orders require acceptance outside this state before they become contracts;
 - (7) creating or acquiring indebtedness, mortgages or security interests in real or personal property;
 - (8) securing or collecting debts or foreclosing mortgages or other security interests in property securing the debts, and holding, protecting and maintaining property so acquired;
 - (9) conducting an isolated transaction that is completed within 30 days and is not one in the course of similar transactions of like nature; and
 - (10) transacting business in interstate commerce.
- (b) The ownership in this state of income producing real property or tangible personal property, other than property excluded under subsection (a), constitutes transacting business in this state.
- (c) This section does not apply in determining the contacts or activities that may subject a foreign corporation to service of process, taxation or regulation under any other law of this state.

If your company is not exempt of filing to do business in Kansas, you may satisfy the requirement in instruction 3b by sending:

1. A copy of the certificate of authority to do business in Kansas from the Kansas Secretary of State's office, **or**
2. A copy of the application sent to the Secretary of State's office to get authority to do business in Kansas, **or**
3. A letter stating your company is exempt from getting authority to do business in Kansas based on K.S.A. 17-7303.